

152



AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Masanori Takahashi et al.
App. No. : 10/692,089
Filed : October 23, 2003
For : FLYWHEEL
ARRANGEMENT FOR
ENGINE
Examiner : John Kwon
Art Unit : 3747

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 23, 2004

(Date)

Michael A. Guiliana, Reg. No. 42,611

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Election of Species Requirement in 2 pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Michael A. Guiliana
Registration No. 42,611
Attorney of Record
Customer No. 20,995
(949) 760-0404



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masanori Takahashi et al.) Group Art Unit 3747
Appl. No. : 10/692,089)
Filed : October 23, 2003)
For : FLYWHEEL ARRANGEMENT)
FOR ENGINE)
Examiner : John Kwon)

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 23, 2004

(Date)

Michael A. Guiliana, Reg. No. 42,611

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313

Dear Sir:

In response to the Election of Species Requirement set forth in the Office Action dated July 21, 2004, Applicants hereby elect Species II (Figures 6-9) for prosecution in the present application. Claims 1, 2, and 4-16 read on the elected Species, with Claims 1, 2, and 4-8 being generic.

The present election is being made with traverse. Applicant submits that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions**.

M.P.E.P. § 803 (emphasis added).

All of the claims are directed to an internal combustion engine having a flywheel. A proper search for art related to the elected species would necessarily include the classes and subclasses relevant to a search for the non-elected species. Thus, examination of all the claims would not present a substantial further "serious burden" on the Office.

Appl. No. : 10/692,089
Filed : October 23, 2003

Applicants therefore respectfully request that the present election of species requirement be withdrawn.

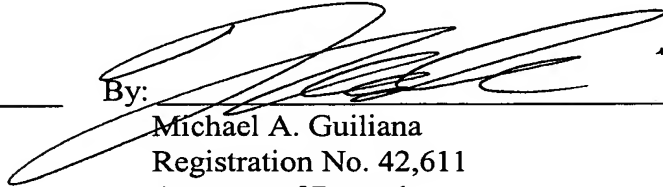
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

8/23/04

By:



Michael A. Guiliana
Registration No. 42,611
Attorney of Record
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404

H:\DOCS\MAG\YAMAHA\FSDOCUMENTS\FS20121US0AAM1.DOC
082304